

SECTION 118.0 CERTIFICATE OF OCCUPANCY

118.1 General Requirement for Certificate of Occupancy: Except as provided in the District of Columbia Zoning Regulations, 11 DCMR Subsection 3202, no person shall use any structure, land, or part thereof for any purpose other than a one-family dwelling until a Certificate of Occupancy has been issued to that person stating that the use complies with the Zoning Regulations and related building, electrical, plumbing, mechanical and fire prevention requirements.

118.1.1 New Buildings: A building or structure hereafter erected shall not be used or occupied in whole or in part until the certificate of occupancy has been issued by the code official, in accordance with this Section and Title 11 DCMR, the District of Columbia Zoning Regulations.

Exception: Existing one-family dwellings. For the purpose of this exception, a dwelling shall be deemed existing if it was built, under construction or a permit for its erection had been issued on or before the date of adoption of the 1996 BOCA Codes.

118.1.2 Change in Ownership: For changes in ownership of structures, land, or parts with an existing valid Certificate of Occupancy, a new Certificate of Occupancy shall be issued in the name of the new owner (without reinspection), provided there is no proposed change in use or increase in occupancy load.

118.1.3 Exemption from Exception: A Certificate of Occupancy shall not be required for each separate apartment or bachelor apartment in an apartment building, or in tenements or apartments in a tenement house, if a certificate of occupancy is issued for the entire structure. For the purpose of this section, the term apartment, bachelor apartment, apartment house, tenement and tenement house shall have the meanings ascribed to them in 11 DCMR §199.1.

118.1.4 Posting of Certificate: All Certificates of Occupancy shall be conspicuously posted in or upon the premises to which they apply so that they are readily visible to anyone entering the premises.

Exceptions:

1. Sanctuary and nave areas of places of worship in Use Group A-4
2. One-family dwellings.
3. Community Based Residential Facility with six (6) or fewer beds.

118.2 Application for Certificate: Application for a Certificate of Occupancy shall be made in accordance with Sections 118.2 through 118.2.4.

118.2.1 Application Procedure: All applications for Certificate of Occupancy shall be filed with the Director or his or her designee on the prescribed forms provided by the code official. The applicant shall pay the prescribed filing fee at the time of the application. The code official shall collect the prescribed filing fee and refer the application to appropriate inspectors within five (5) working days from the date of filing. Where field inspections are deemed necessary, the inspection process shall be in accordance with Sections 118.2.2 through 118.2.4.

118.2.2 Inspections: Following the filing of an application, inspections shall be made within fifteen (15) working days from the date of referral and the applicant shall be provided with a written composite notice of all existing violations of the applicable Codes and Regulations within ten (10) days thereafter. If any required inspection has not been performed within fifteen (15) working days, the respective inspection branch shall report all relevant facts to the official issuing the Certificate of Occupancy and the inspecting unit shall contact the applicant and reschedule the inspection within ten (10) working days.

118.2.2.1 Service of Notice: The notice of violations shall be hand delivered to the applicant or sent by certified mail, return receipt requested. The code official shall maintain records of all inspection reports and the returned receipt until the Certificate of Occupancy is issued or canceled.

118.2.2.2 Reinspection: If a second visit is required to complete the initial inspection, the reinspection shall be made within ten (10) working days from the date of notification by the applicant that all required corrections have been made.

118.2.2.3 Expiration of Application: Except as provided in Sections 118.2.3 through 118.2.4, the failure to comply with all applicable District of Columbia laws and regulations pertaining to the issuance of a Certificate of Occupancy, within the prescribed time-frame in a deficiency notice, or within ninety (90) calendar days which ever occurs last shall cause the application to be canceled without further notice to the applicant, and the applicant shall be required to file a new Certificate of Occupancy application and pay the required fees.

118.2.2.4 Access to the Premises: Refusal to permit entry for inspection of the premises shall result in the cancellation of the Certificate of Occupancy application without further notice to the applicant.

118.2.3 Extensions: The code official is authorized to grant an extension to comply with the deficiency notice for any of the following reasons:

1. The District Government has performed all the required services, but due to extenuating circumstances, the applicant is unable, through no fault of his or her own, to bring the property into compliance; or
2. Other special or unusual circumstances as determined by the Director.

118.2.3.1 Filing for Extension: All requests for extensions shall be made in writing and addressed to the Director, Department of Consumer and Regulatory Affairs. All requests for extensions shall be filed at least fifteen (15) working days prior to the expiration of the prescribed time period. The request shall specify the following:

1. The basis for the request including the details of all efforts on the part of the applicant to bring the property for which an extension is requested into compliance.
2. The facts which support the request in sufficient detail to enable the Director to make an informed judgment; and
3. Any other information as the Director may deem necessary.

118.2.3.2 Disposition of Request for Extension: The extension requested shall be either granted or denied by the Director as soon as practicable after receipt of all required information. The decision to grant or deny the extension shall be delivered to the applicant in writing by certified mail or personal service, and the provisions of Section 118.2.2.1 shall apply to the pertinent extension request records.

118.2.3.3 Period of Extension: A decision to grant an extension shall set forth the extended period of time by which compliance shall be achieved.

118.2.4 Extensions of Reinspection: If a reinspection is required, the applicant shall receive an extension of time equal to the additional time required for the reinspection.

118.3 Occupancy Dependent on Construction: Subsections 11.3.1 and 118.3.2 regulate the issuance of a certificate of occupancy for the use of a structure, or part thereof, if the establishment of the use is dependent upon the erection, construction, conversion, or alteration of the structure or part thereof.

118.3.1 Proposed use: The intended use shall be designated as a proposed use at the time of application for the building permit on which the use depends.

118.3.2 Provisional Certificate of Occupancy: At the time of approval of the building permit application by the Zoning Division of the Department the proposed use shall be designated in a provisional certificate of occupancy issued by the code official.

118.3.3 Expiration of Provisional Approval: A building permit shall be obtained within six (6) months of issuance of the Provisional Certificate of Occupancy, otherwise the zoning approval granted pursuant to Section 118.3.2 shall expire.

118.3.4 Final Occupancy Approval: The use designated in the Provisional Certificate of Occupancy shall become final upon issuance of a Certificate of Occupancy pursuant to the provisions of Section 118.0.

118.3.5 Construction Completion Required: If the erection or alteration of a structure, or part thereof, is contemplated, a certificate of occupancy for that structure, or part thereof, shall not be issued until the erection or alteration is completed to the point that the structure, or part thereof, is deemed by the code official to be available for occupancy and in compliance with the requirements of the applicable laws and regulations.

118.4 Revocation of a Certificate of Occupancy: The Director is authorized to revoke a certificate of occupancy pursuant to any of the Sections 118.4.1 through 118.4.5.

118.4.1 Different Occupancy: Any certificate of occupancy previously issued or issued pursuant to Section 118.0 shall be revoked by the Director, after notice, if the actual occupancy does not conform with that permitted.

118.4.2 Misleading Declaration by Applicant: Any certificate of occupancy previously issued or issued pursuant to Section 118.0 shall be revoked by the Director, after notice, if the Director determines that it was obtained based on an application that contained any misrepresentation having a substantial bearing of the safety of the occupancy.

118.4.3 Certificate Issued in Error: Any certificate of occupancy previously issued or issued pursuant to Section 118.0 shall be revoked by the Director, after notice, if due to any material circumstance, it is found to have been issued in error.

118.4.4 Incomplete Alteration, Repair or Addition: Any certificate of occupancy previously issued or issued pursuant to Section 118.0 shall be revoked by the Director, after notice, if all of the following conditions are verified:

1. The building or space under such certificate of occupancy is undergoing alteration or repair, or an addition thereto is being constructed, under a duly issued building permit, and original use is being continued during the construction period.
2. The code official deems that construction is not progressing at a reasonable pace and the unfinished portion of the project, as shown on the approved permit drawings or the missing systems or portions thereof, are such, that the code official deems that the safety, health or welfare of the public or of the occupants is seriously threatened thereby.

118.4.5 Completion of Construction Work: Any certificate of occupancy previously issued or issued pursuant to Section 118.0 shall be revoked by the Director, after notice, notwithstanding a change of use of occupancy not being involved if upon completion of work done under a duly issued building permit the applicant does not apply for a new certificate of occupancy within thirty (30) days.

118.4.6 Notice of Revocation: Notice of the proposed revocation of the Certificate of Occupancy shall be given in writing, setting forth specifically the grounds for the action. The notice shall be sent by certified mail, at least ten (10) days prior to the date of proposed action.

118.5 Appeal From Action: Any person aggrieved by the action of the Director granting, withholding, or revoking a Certificate of Occupancy may appeal the action to the Board of Zoning Adjustment, pursuant to D.C. Code Subsection 5-424(F) (1981), and the District of Columbia Zoning Regulations

118.6 Certificate of Occupancy Fees: A fee for the processing and issuance of a certificate of occupancy shall be paid to the D.C. Treasurer in accordance with the applicable fee schedule.

118.6.1 Fee Schedule: The Director is authorized to establish, from time to time, by approved rules, a schedule of unit rates and other fees for certificates of occupancy, partial certificates of occupancy and other related miscellaneous services.

118.6.2 Filing Fee: The fee for filing an application for certificate of occupancy shall be in accordance with the current user fee schedule.

118.7 Records: The Director or his or her designee shall be the custodian of Certificate of Occupancy records. The records shall include, but not be limited to, the following:

1. Pending Certificate of Occupancy applications;
2. Extensions granted pursuant to sections 118.2.3 through 118.2.3.3; and
3. All approved applications for Certificates for Occupancy, issued Certificates of Occupancy and copies of all cancellation notices and related correspondence.